Members present: Robert de Jongh, Charles Dimmick, Matt Bowman, Kerrie Dunne, Earl Kurtz, and Peter Talbot.

Member(s) absent: Sheila Fiordelisi.

Staff: Suzanne Simone.

Mr. Kurtz rejoined the regular meeting at 7:34 p.m.

I. CALL TO ORDER

The meeting was called to order at 7:32 p.m.

II. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited at the public hearing.

III. ROLL CALL

The roll was called at the public hearing. Members in attendance at the public hearing were still in attendance for the regular meeting.

Members in attendance were Robert de Jongh, Charles Dimmick, Matt Bowman, Kerrie Dunne, Earl Kurtz (at 7:34 p.m.), and Peter Talbot.

V. APPROVAL OF MINUTES – Public Hearing – September 21, 2010
Regular Meeting – September 21, 2010

The approval of the minutes was deferred to the end of the meeting by the consensus of Commission members present.

VI. COMMUNICATIONS

1. Letter from Staff to Ms Judith Meyerjack
   Re: Wetland Determination for parch addition at 75 Williamsburg Dr.

   This communication was reviewed.
2. Notice of Tentative Determination from DEP  
Re: Arch Chemicals, Inc., 350 Knotter Drive  
This communication was reviewed.

3. 2010 Municipal IWC Training Program: Segment 3  
(To be handed out at meeting)  
Ms. Simone handed out information to Commission members regarding the municipal training program. She said if any Commission is interested in attending to let staff know and they would be signed up.  
Commission members reviewed this communication.

4. Notice of Violation & Cease and Desist Order  
Re: Edward & Lisa Ellis, 79 Dundee Drive, Assessor’s Map 26, Lot 131  
This communication was reviewed. This item is listed for a show cause hearing tonight.

5. Staff Report  
Re: 79 Dundee Drive  
This communication was reviewed.

This item is listed for a show cause hearing tonight.

6. Letter from Staff to Ms. Bonnie Donato, 35 Sudol Court  
Re: Progress Update on Restoration Project  
This communication was reviewed.  
Ms. Simone stated that staff received written response from Ms. Donato informing that they have hired someone and they are planning on meeting with them next week to start the whole process and finalizing the plans and start to take action on it.

7. Letter from Staff to Dr. Robert Henry, 12 Mountaincrest Drive  
Re: Progress Update on Restoration Project  
This communication was reviewed. Ms. Simone said that the letter from staff requested a status update. She stated staff has not heard back from Dr. Henry as of yet.
8. Request to table discussion of application #2010-023 Town of Cheshire for Sandbank Road

This communication was reviewed. Ms. Simone stated that the Town is requesting that no discussion take place on that tonight – that they will have updated materials for the next meeting.

Chairman de Jongh asked about the mandatory action date on Sandbank Road is November 25, 2010 – he asked if they were going to run into a problem.

Ms. Simone said they are aware that they have the ability to request for an extension of 65 days so that should give them (the Town) enough time to get materials together for the Commission’s review.

Chairman de Jongh said he wanted to make sure the Town was aware the mandatory action date was coming up.

9. Other - none.

VII. INSPECTION REPORTS

1. Written Inspections

Ms. Simone stated that written inspections were covered under communications.

2. Staff Inspections

a) Ms. Simone explained that she did follow-up with some inquiry about the property that has a permit for Coplex on Highland Avenue and it does appear that that is the property that is for sale; she said it does appear as though that property is up for sale.

Chairman de Jongh said so the new property owner needs to be aware that there is an issue there is an issue that would be transferred to that new property owner.

Mr. Bowman said well it’s on the deed – right.

Ms. Simone said if anyone is to buy the property all this information is on the deed but also if they wanted to purchase the property with the intent of constructing this sport facility
they would need to have the permit transferred into their name for them to take responsibility of the project.

Chairman de Jongh said but they have to satisfy the violations that exist.

Ms. Simone said if they were going to move forward - yes.

Chairman de Jongh said as long as any pending property buyer understands that.

Mr. Bowman said he could not see anyone taking title to that – he said that (the violation) muddies the title.

b) Other – none.

VIII. ENFORCEMENT ACTIONS

1. Unauthorized Activities in a Regulated Wetland Area

   Ms. Karin Eichten
   630 Cook Hill Road

Chairman de Jongh said this is still subject of ongoing litigation.

2. Unauthorized Activities in a Regulated Wetland Area

   Mr. Chris Lambert
   Highland Avenue

   SC 1/06/09
   SC 1/20/09
   SC 2/03/09
   SC 2/17/09

Chairman de Jongh said that staff just alluded to the fact that that was the same property that was questioned at the last meeting and also subject of ongoing issues.

3. Unauthorized Activities in an Regulated Wetland Area

   Michael and Bonnie Donato
   35 Sudol Court

   SC 3/16/10

Chairman de Jongh said that staff indicated that a letter has gone out to Ms. Donato and she has indicated back that action is going to be taken.

4. Unauthorized Activities in an Regulated Wetland Area

   Dr. Robert Henry and Maria Passaro-Henry
   12 Mountaincrest Drive

   SC 5/04/10
Chairman de Jongh said there were communications that were read into the record tonight regarding this item.

SHOW CAUSE

Unauthorized Activities in an Regulated Wetland Area  SC  10/05/10
Edward and Lisa Ellis
79 Dundee Drive

Edward Ellis of 79 Dundee Drive was present.

Mr. Ellis said he received the notice in the mailing last Friday. He explained that it pertains to property he purchased back in 1996; he said he has not changed anything on the property. He said the notice mentions children’s play equipment which is on his property; it’s not on the wetlands or the regulated lands.

Mr. Ellis stated his has not done anything on the regulated lands. He said he did not know who made the complaint or why – he said he did not know if it was one of his neighbors who has a problem with him, he was not sure.

Mr. Ellis stated that he has not changed any of the land that’s behind his house other than how the builder had left it.

Mr. Ellis said he was kind of surprise by this – he said that was 14 years ago he had the house build for him.

Ms. Simone informed the Commission that staff received a complaint about a property on Dundee Drive that was expanding the yard area onto town property and when you drive by the property you can see there is an area there on the corner towards Shipton that it appears as though its been cleared a little bit and landscaped and that area is mowed on the corner of Shipton and Dundee.

Mr. Ellis asked about the corner on Shipton – he said the area staff is talking about that it how the builder had left it. He said that is not his property – he said he did not have anything to do with that property; he said he did cut the grass on that corner there – he said he has been doing so for almost 15 years now since the builder left; he graded, he seeded, he did what was there.

Chairman de Jongh asked if the builder was Harvey Waller.

Ms. Simone stated yes.
Ms. Simone said in the maps that they have it does show that up to the street line that that is owned by town and that is a wetland property as well as then to the rear.

Ms. Simone asked Mr. Ellis if he had survey monuments in his backyard.

Mr. Ellis said he did not – not in his backyard.

Mr. Ellis said he knew where the line was – he said he bought the house after he (the builder) built it; Mr. Ellis said he was the original owner.

Mr. Ellis said he has not changed anything – he said hasn’t done fill, he hasn’t done cutting – he said he has done nothing at all back there.

Chairman de Jongh said so that was all landscaped as part of the house when he bought that property.

Mr. Ellis said it’s not landscaped.

Chairman de Jongh said what he meant was the yard area was there; it was graded and seeded when Mr. Ellis bought the house.

Mr. Ellis stated yes. He had his wife looks at it as an eye-sore actually.

Ms. Simone said from the appearance and looking from the street looking back to the back yard of the house it does appear as though it does go in deeper than the other yards – the one other yard next to Mr. Ellis’s property. She said when she looked at the aerial photos and not that the aerial photograph on the town website is the most accurate it does show that there is clearing going on to the town property.

Ms. Simone said one of the first things that would need to take place and unfortunately there is not someone on staff that does surveys is to find out where the actual property line is. She said she sent a request to the Town Attorney for some guidance on how to proceed so that maybe something that can be undertaken to find out exactly where the property line is but certainly on the corner there it does show...

Mr. Ellis said on the corner there he knew it was open space – that side area that goes down is open space – he said he knew that for a fact.

Ms. Simone said but it is mowed as a lawn area.
Mr. Kurtz said they have no interest in this at this point; he said they do not know who the owner is. He said when they find out who the owner is then they can talk to the owner.

Chairman de Jongh said it is town owned property.

Mr. Kurtz said in that case they should be talking to the town. He said he did not want to see this turn into the situation they had a few months ago where a person who lived out of town had a problem and they called them in and made them clean up the leaves and brush out of the wetland – he said they didn’t do it but their the owners.

Mr. Kurtz said if they could determine who the owner was – it’s the owner they have to speak to.

Ms. Simone said the issue is that if there’s clearing and cutting being done on town property then that’s something the town may pursue to find out to try to remedy.

Mr. Kurtz said he agreed.

Mr. Bowman said it is a civil matter – Commission members agreed.

Mr. Ellis said it’s evidenced by someone looking at it – there has been no clearing or cutting at all back there; he said he never even planted grass seed or anything he just left it just as the builder left it.

Chairman de Jongh asked if they had any kind of map that shows the as-build conditions.

Ms. Simone said they did not have the as-built; she stated that as-builts were not required at the time this house was built.

Dr. Dimmick said when the subdivision started in 1992; he said the Commission gave individual lot approvals in 1996 and there was a map accompanying the individual lot approval which showed a conservation easement which goes on to MR. Ellis’s land a little bit – about 15’ on each side.

Mr. Ellis stated again he has not done anything on the property.

Dr. Dimmick said the claim that came to the Commission was that there was clearing not only into the conversation easement but into the town land. He said they can’t verify this one way or the other but with the evidence in front of them.
Dr. Dimmick said they have a claim that came in front of them. He said it looks as thought some measurements need to be made so they do not have to go through a hassle whether Mr. Ellis would give permission for a person hired by either the Commission or the town to make some measurements and determine just where that line is in the back since there is no monument that Mr. Ellis knows of.

Mr. Ellis stated there is no monument that he knew of in the back.

Mr. Bowman said Mr. Ellis can’t refuse because a surveyor has the right to go on anyone property to get a line.

Dr. Dimmick said he was thinking so they don’t end up with a problem.

Chairman de Jongh said he thinks the situation appears to be such that Mr. Ellis is before the Commission with a piece of property that was the way he bought it and it appears that the builder cleared more than what they were supposed to do at the time; he is no longer involved in the property. He said now somebody all of a sudden made a phone call 14 years later and said it looks like there is something going on.

Chairman de Jongh said now recognizing the property owner owns the violation he thought what has to happen is that they do have to have a determination as to what that property line is – where the town property starts and where Mr. Ellis’s ends.

Mr. Ellis said he knows where the end of his property is from when it was built.

Dr. Dimmick said Mr. Ellis knew where he thought it was – the think is they are not sure.

Chairman de Jongh said there may be an easy solution to it but it has to start with determining where that line is and if the Commission has Mr. Ellis’s permission and can convey that to the town where somebody can come up and just clearly delineate what that line is – he said they may be able to solve this by just putting up shrubs or something and letting that area behind it grow natural and back to the original conditions – he said it doesn’t sound like a big issue.

Ms. Simone stated it depends on where the line is and what’s found.
Dr. Dimmick said the thing is they do not know for certain where that line is so that has to be established and then they can pursue it whatever way it needs to be pursued.

Chairman de Jongh said what he suggested to staff was is that if the Commission is in agreement is to see whether or not the town can get someone out there to clearly find out where that line is and then they can work with Mr. Ellis in coming up with a solution to the problem; he said in his opinion is seems like a pretty easy solvable problem.

Ms. Simone said she thought the Town Attorney was going to be also vital in this if it is found that there is significant clearing on town property – that would be outside the scope necessarily of what something this Commission would be involved with.

Chairman de Jongh said that would be a civil matter that the Commission can’t be involved in.

Chairman de Jongh said but again he thought the situation needs to be clear that from Mr. Ellis’s testimony this is not something that he has done but it was the way he bought the property; he said he did not think Mr. Waller was in the development business anymore.

Mr. Bowman said that he was and that he saw Mr. Waller two days ago.

Chairman de Jongh said ok but that's a civil matter.

Ms. Simone said there is a tree house to the back – was that always there when he bought the house.

Mr. Ellis said the tree house wasn’t always there – no.

Ms. Simone said so that may in fact then be on town property. She said that is something they will need to take a look at.

Dr. Dimmick said now they have a show cause hearing and the Commission needed to make a decision on way or the other before it could be closed.

Chairman de Jongh suggested that they keep this on the record, they need to get that one item taken care of and then they can talk about solutions to the problem going forward if Mr. Ellis had no objection.

Mr. Bowman said if this is a show cause hearing and their après to be no cause other than civil litigation – he thought they should close the hearing
and not continue to have Mr. Ellis come before the Commission. He suggested the hearing be closed until they can determine and if they need another show cause hearing then they have another show cause hearing because at this point they can’t make a determination and there is no since having MR. Ellis continue to come back or have his name shown up on an agenda every week when in fact – he said again this is a civil matter and in his opinion has nothing to do with the Commission.

Dr. Dimmick said they don’t know – the problem is they don’t whether this is an issue.

There was discussion about keeping the hearing open or closing it.

Chairman de Jongh suggested leaving it the way it for now and Mr. Ellis would not have to come back the next time. He said they would solve the survey problem without MR. Ellis being present.

Dr. Dimmick said he walked the property in 1992 and there are wetlands on the back corner of that lot.

Mr. Ellis said there is a vernal pool in the woods – he said he knew that for a fact.

Chairman de Jongh said the Commission would let Mr. Ellis know if his presence was needed until they let him know that.

Chairman de Jongh said for now they will see about getting the Town Attorney involved and to get a survey done.

Ms. Simone said staff would see about getting someone out there before the next meeting.

Mr. Ellis said he was ok leaving the hearing open.

Motion: To continue the Show Cause Hearing.

Moved by Dr. Dimmick. Seconded by Mr. Talbot. Motion approved unanimously by Commission members present.

Mr. Kurtz rejoined the regular meeting at 7:34 p.m.

XI. UNFINISHED BUSINESS

1. Permit Modification
   Town of Cheshire
   APP #2007-044A
   DOR 7/20/10
Chairman de Jongh stated that this item was subject of a public hearing that was closed this evening.

Dr. Dimmick said the Commission had all of their questions answered and staff has prepared a draft motion for approval with stipulations.

Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners’ knowledge of the area, site visitations, and after review of written information provided by the applicant on this application finds the following:

1. That this application is for the modification of permit #2007-044 for installation of road drainage to discharge to the downstream side of the unnamed tributary to the Ten Mile River and endwall reconstruction on the north side of Schoolhouse Road.

2. That the applicant’s engineer indicated that these proposed activities will provide no change to the hydrologic characteristics of the wetland.

3. That the endwall on the north side of Schoolhouse Road will be repaired and standard riprap will be installed at the base of the culvert.

4. That 24-36-inch pipes will be installed within Schoolhouse Road right of way and double catch basins will be installed to provide more inlet capacity.

5. That the curbing of Schoolhouse Road will contain the water in the roadway, thereby preventing the trespass of water on to private property.

6. That the applicant’s engineer stated that the gross particle separator will be inspected once a month during construction activities, four times a year for the first two years after project completion and a
clean out at least once per year, or as many times as required by field inspection.

7. That the applicant’s engineer indicated that the proposed system is capable of handling a 10 year storm without an increase in discharge.

8. That the proposed modifications will eliminate the direct wetland impacts as previously approved in permit #2007-044, specifically the elimination of a detention pool adjacent to the watercourse.

9. That the proposed site plan activities will not have a significant adverse effect on adjacent wetlands or watercourses.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2007-044A, the permit application of Town of Cheshire, Public Works Department for site plan approval as presented and shown on the plans entitled:

“Schoolhouse Road 66” RCP Outfall Reconstruction Cheshire, CT
Plan, Elevations, Details & Notes
Dated July 13, 2010
3 sheets Prepared by Cardinal Engineering Associates, Inc.
3 Colony Street, Meriden CT 06451.”

And

Schoolhouse Road Drainage Improvements Cheshire, CT. Drainage Plan
Dated December 31, 2007
3 sheets Prepared by Cardinal Engineering Associates, Inc.
3 Colony Street, Meriden CT 06451.”

And

“Schoolhouse Road Drainage Drainage Computations. Prepared for: Town of Cheshire
Dated November 6, 2007, Revised July 14, 2010 and September 15, 2010
by Cardinal Engineering Associates, Inc.
3 Colony Street, Meriden CT 06451.”
The permit is granted on the following terms, conditions, stipulations and limitations (collectively referred to as the “Conditions”) each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.

2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.

3. Prior to any commencement of activities covered by this permit grant the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff:

   a) the proper installation of all sediment and erosion controls indicated on the above referenced plans. Staff may insist on additional controls if warranted by field conditions.

4. The field location of the fiber optic line following the railroad crossing may alter the location of the pipe. Slight alterations regarding the pipe location are permitted, provided the permittee notifies the Commission of the proposed alteration prior to installation.

5. The sediment basins shall be cleaned out monthly during construction activities and checked quarterly for the first two (2) years and cleaned at least annually for the first two (2) years. The quarterly inspections will determine the long term basin cleaning schedule.

6. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:

   a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100’ if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.
b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

7. This permit shall expire on October 5, 2015.

Moved by Dr. Dimmick. Seconded by Mr. Bowman. Motion approved 6-0-1 with Mr. Kurtz recusing himself from the vote.

2. Permit Application APP #2010-020
Town of Cheshire DOR 7/20/10
Regulation Amendment Change PH 9/07/10
Section 7.1(D) and 7.1 (F)2 PH 9/21/10
MAD 10/26/10

Motion:

That the Cheshire Inland Wetland and Watercourses Commission approves the amendment to Section 7.1(D) and 7.1 (F)2 of the Cheshire Inland Wetlands and Watercourses Regulations. The amendment and adoption of the above referenced sections shall become effective on October 19, 2010 at 12:01 a.m.

New text is bolded; deleted text is in [brackets].

7.1 Applications For A Permit To Conduct Regulated Activities.

... D. Application must be made by the property owner (or owners) of record, by [or] a person duly authorized by such owner to make application, or by the Town, as provided below: []

1. In the event the person making the application is not the owner, he or she must submit an "Owners' Affidavit of Consent" with the application. The form of such affidavit is found in APPENDIX C.

2. In the event the application is made by the Town in connection with a public project that has been approved by the Town Council and for which the Town is unable to obtain the owner's consent after reasonable attempts, the following, additional provisions apply:

a. Not fewer than twenty-one (21) days before the day that the Town files the application with the Commission, it shall transmit to the property owner(s) a copy of the application (with all supporting
documentation) and a cover letter advising him or her that the application has been filed and the date when the Town will present the application to the Commission. It shall also include a copy of the Commission’s meeting schedule in the transmittal.

b. The transmittal shall be by U. S. certified mail with return receipt requested or by a nationally recognized delivery service that provides proof of delivery or delivery attempt, and it shall be addressed to the owner(s) of the property as listed in the Assessor records or to the actual owner(s) if otherwise known to the Town.

c. At the first meeting or hearing of the Commission at which the application is heard, the Town’s representative shall state on the record that the notice requirements of this section have been met, and, if requested by the Commission, shall provide the Commission with a copy of the return or delivery receipt.

d. No error in the transmittal of the notice and no failure of owners to receive the notice shall invalidate any action taken by the Commission; however, the Town’s failure to comply with these notice requirements may constitute, in the sole discretion of the Commission, good and sufficient reason to deny the application without prejudice to its resubmission.

e. If the Commission grants the Town’s application, the following stipulation shall be made a part of the permit: “A copy of the fully executed easement (or other documentation of permission to perform work on the property) shall be submitted to, and approved by, the Commission’s agent prior to the commencement of the regulated activities.”

F. A complete application shall include such information as is detailed in APPENDIX D of these Regulations, and in addition, the applicant shall provide the following information to the Commission if not already provided pursuant to APPENDIX D:

...  

2. The owner’s name, address, telephone number, and written consent of, or notice to, the owner (as provided in Section 7.1(D) above) if the applicant is not the owner of the property involved in the application;

Moved by Mr. Bowman. Seconded by Mr. Kurtz. Motion approved unanimously by Commission members present.
Motion:

That the Cheshire Inland Wetlands and Watercourses Commission, having considered the factors pursuant to Section 10 of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire, Commissioners’ knowledge of the area, previous site visitations, and after review of written information provided by the applicant on this application, finds the following:

1. That the current application is for modification of permit #2010-006 to build two houses on one lot, including grading and installation of the driveway, and site plan approval for the proposed new house on 2.6-acres referenced as lot 5 in approved subdivision permit #2010-006, located on Huckins Road (R-40 zone).

2. That the proposed houses will be served by public water and sewer systems.

3. That the applicant’s engineer stated that there are no proposed direct or indirect impacts to the wetlands or watercourses.

4. That the stormwater management system incorporates a rain garden.

5. That the proposed construction activities will not have a significant adverse effect on the adjacent wetlands and watercourses.

6. That the Commission declared this application not significant within the context of the Inland Wetlands and Watercourses Regulations of the Town of Cheshire.

Based upon the foregoing findings, the Cheshire Inland Wetland and Watercourses Commission conditionally grants CIWWC Permit Application #2010-006A, the permit application of Saddlebrook LLC for permit modification and site plan approval as presented on the plans entitled:

“Saddlebrook Farms Lot 5
Huckins Road, Cheshire, CT
The permit is granted on the following conditions and stipulations, each of which the Commission finds to be necessary to protect the wetlands and watercourses of the State and the Town of Cheshire:

1. Any lack of compliance with any condition or stipulation of this permit shall constitute a violation of the Cheshire Inland Wetlands and Watercourses Regulations, and an enforcement order shall be both issued and recorded on the Town of Cheshire Land Records.

2. No changes or modifications may be made to the plans as presented without subsequent review and approval the Cheshire Inland Wetlands and Watercourses Commission.

3. The non-encroachment line shall be established along the silt fence line depicted on Sheet 2, with the exception of the area to the west of the driveway, where the non-encroachment area will follow the existing treeline, parallel with the 100-year floodplain boundary. No disturbance of any kind, including a lawn, shall be allowed beyond the non-encroachment line. This language shall be recorded on the deed to this property.

4. Prior to the commencement of construction activities covered under this permit, the applicant shall have the following items both completed by a qualified party and verified as complete by Commission Staff prior to request of a building permit:

   a) The accurate staking or flagging of all clearing limits conducted by a qualified individual. Staff may insist on additional staking or flagging if warranted by field conditions.

   b) The posting of an erosion and sediment control bond, the amount to be determined by Commission Staff.

   c) The proper installation of all sediment and erosion controls indicated on the above referenced plans. Staff may insist on additional controls if warranted by field conditions.

   d) The 24-hour contact phone number for the individual designated with the responsible and authority to receive
notices of any breaches or deficiencies of sediment and erosion controls on-site, and to effectuate repair of any such breaches or deficiencies within 6 (six) hours of such notice from the sedimentation and erosion control agent from the Town of Cheshire.

5. Throughout the course of conducting construction activities covered by this permit grant, and per Section 11.2K of the Cheshire Inland Wetlands and Watercourses Regulations, the applicant shall be responsible for ensuring the following:

   a) That all maintenance and refueling of equipment and vehicles is performed as far as practical from all wetlands and watercourses, at least 100’ if possible. All oil, gasoline, and chemicals needed at the site shall be stored in secondary containment to prevent contamination of any wetlands or watercourses from possible leaks.

   b) That all disturbed areas on the site not directly required for construction activities are temporarily hayed and seeded until the site is permanently stabilized.

6. This permit grant shall expire on October 5, 2015.

   Moved by Mr. Kurtz. Seconded by Mr. Bowman. Motion approved unanimously by Commission members present.

4. Permit Application                            APP.     #2010-023
   Town of Cheshire Public Works                DOR     9/21/10
   Sandbank Road R.O.W.                       
   Site Plan – Drainage Improvements          MAD     11/25/10

   Motion: To defer as requested by the Town.

   Moved by Dr. Dimmick. Seconded by Mr. Kurtz. Motion approved unanimously by Commission members present.

XII. NEW BUSINESS

   There was no new business addressed.

   1. Approval of Minutes September 21, 2010 Public Hearing & Regular Meeting
Motion: To approve the minutes from the September 21, 2010 Regular Meeting with corrections provided by Dr. Dimmick and any other Commission member who provided input.

Regular Meeting: Pg. 1 L 42 “move the deferring” to “defer the approval”; pg 13 L28 “packet” to “pocket”; pg 15 L30 “in” to “it”; pg 17 L24 & 25 “in” to “it”.

Moved by Mr. Bowman. Seconded by Mr. Kurtz. Motion approved unanimously by Commission members present.

Motion: To approve the minutes from the September 21, 2010 Public Hearing as amended.

Public Hearing: Pg. 2 L 7 After “Deputy” add “Director of Public Works”; pg 3 L47 “and” to “in”; L48 “incorporative” to “uncooperative”; pg 4 L 27 & L 48 “incorporative” to “uncooperative”; pg 6 L33 “emendate” to “eminent”; pg 7 L 14 [incorporative] (uncooperative, L 25-26 “comprised” to “compromise” and “so” to “to”, L46 delete “what on”; pg 8 L6 delete “but they can’t act on it until they get the easement”, L21 “comprise” to “compromise”; pg 9 L 9 & 10 “comprised” to “compromise”, “stick” to “strict”, L 37 after “to” add “do is”, L39 “decision” to “discussion”; pg 11 L12 “corporate” to “cooperate”; pg 12 L13 “comprised” to “compromise”, L 24 “basis” to “bases”.

Moved by Bowman. Seconded by Ms. Dunne. Motion approved 6-0-1 with Mr. Kurtz recusing himself from the vote.

2. Continued Discussion Re: 79 Dundee Drive

Mr. Kurtz asked about the 79 Dundee Drive issue. He asked if the section in question referred to a homeowners association; he suggested that when staff talked to the Town Attorney about who owns the property maybe staff could ask about whatever happened to the homeowners association.

Ms. Simone said she did not think that ever came to be because the town owns the majority of that property.

Mr. Kurtz said the responsibility would be put on the homeowners association.

Ms. Simone stated yes – she said she was surprised to see that language also because she was not aware of their being a homeowners association and certainly the town owns that property that makes up the Ten Mile Low Lands property.
Mr. Bowman stated that lot pinned – he said every lot had to be pinned; so whether or not there’s an as-built on it or not and most people don’t it because the pins are driven in so no one trips over them but there are pins on the corners of 79 Dundee Drive.

Chairman de Jongh said those are survey pins – we are talking about monument pins.

Mr. Bowman said there are no monuments – there will be pins on the corner of his property lines.

There was discussion about there being a conservation monument that the Commission had requested.

Ms. Simone said that she saw that the non-encroachment line was supposed to be identified and marked in the deed – she asked if it said markers back in 1992.

Chairman de Jongh said he thought the language has always been the same.

There was discussion regarding how the language reads regarding the placement of markers and monuments and when the requirements changed requiring markers.

Mr. Bowman said changed in the requirements regarding the placement of markers changed after the Ashley Court issue.

Dr. Dimmick stated that Ashley Court was required to have markers.

Mr. Bowman said they were markers but the Town Attorney wanted it changed after that because they had the ability to draw the line on a map and then make reference to the line on the map when they filed the deed. He said the Town Attorney at that point or from then forward wanted make sure that in the deed was the language of...

Chairman de Jongh said he thought the language – he said he may be wrong – but he though the language had the language they needed “non-encroachment markers.”

There was more discussion about the required language for the deeds regarding the markers.
Mr. Bowman said he wanted to be sure that Mr. Ellis that he knew that until the Commission finds out where everything is he was not in any trouble.

XIII. ADJOURNMENT

The meeting was adjourned at 7:54 p.m. by the consensus of Commission members present.

Respectfully submitted:

Carla Mills, Recording Secretary
Cheshire Inland Wetland and Watercourse Commission